

## REMARKS

Favorable reconsideration of this application, as presently amended, is respectfully requested.

### **Drawings**

**Fig. 2A of the drawings stand objected to as failing to comply with 37 CFR 1.84(p)(5) for showing a reference numeral (26) not mentioned in the specification.**

Reconsideration and withdrawal of this objection is respectfully requested in light of the above proposed amendment to the specification which inserts the numeral at page 6, line 2. Omission of the numeral was inadvertent. Its inclusion is consistent with a similar reference in Fig. 2B in respect to the numeral 37 as found in the specification at page 6, line 17.

### **Specification**

**The title stands objected to as being not descriptive.**

The title has been amended as suggested by Examiner.

### **Claim Objections**

**Claim 1 stands objected to as containing inconsistencies.**

Claim 1 has been amended, as required by Examiner, by substituting the term "method" for "process" to provide consistent use of terms in the claim preamble. The same adjustments are made hereby in the newly proposed title and abstract for consistency throughout the specification.

Claim 1 has also been amended to insert the phrase "for selection" in the third line of the claim as suggested by Examiner.

Examiner's objections to the claims having been adequately addressed, withdrawal of these claim objections is believed to be in order.

### **Invention Summary**

The present invention is directed to a system and method for offering imaging services for a customer attending a live entertainment event such as a basketball game. Desired imaging services are selected by the customer prior to or while at the event. The selected services are recorded and assigned an identification code that includes the selected imaging service and information inputted by the customer on a seating location of the customer at the event. With this information, image capture devices are trained on the seat location and on participants in the event to capture images of both at one or more stages in the event. Alternatively, the captured image(s) of the customer can be composed with various other views of the overall scene or activities at the event.

### **Claim Rejections**

**Claims 1-7 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,606,563 to Weston et al.**

Weston et al. discloses a customer picture-taking system for an amusement park and the like that is based on the furnishing by the system to the customer of a unique person identifier coded tag/card to be worn by the customer while at the park. Multiple card readers are disposed at sites throughout the park to sense the presence of the customer so as to enable the taking of pictures of the customer at each of the sites. The sites are typically provided with signage to alert the customer to the taking of a picture and, optionally, to direct the customer on suitable poses and actions to be taken.

While desirable and effective for its specific application of a theme park in which the customer is constantly on the go to various sites where the tag readers can be placed in relatively close proximity to the customer at the site, it is a costly and complex system requiring the provision of coded tags/cards and multiple readers and is only effective to capture the images of customers that happen to go through fixed sites where the readers are located.

In contrast to the disclosure of Weston et al., the present invention is directed to a much lower cost system that is based on the furnishing by the customer to the system of information which identifies, not the customer, but the precise seat location to be used by the customer. There is no need for the customer to wear any cards or tags. Nor is there any need for costly card/tag readers to locate the customer, since the location of the customer is inherent in the customer-inputted seat location information.

Specifically, with reference to claim 1, as amended, Weston et al. do not teach, disclose or suggest the present invention which assigns:

“an identification code to the customer selection, said identification code including ... information inputted by the customer on a seating location of the customer at the entertainment event; and

“supplying images...of at least the customer at said seating location while viewing the entertainment event.”

It should be noted that, in the system of Weston et al., the system supplies an identification code in the form of a tag or card which is provided to the customer and which uniquely identifies the customer who can then be found at various locations in the park. In the novel system of the present invention, however, the code is assigned to a seat location using information provided by the customer to the system, the reverse of that in Weston et al. Thus, in Weston et

al., since the system does not know the location of the customer at any given time, it must resort to providing coded tags to the customer in order to collect the customer images. In contrast, the present invention operates to collect customer images on the basis of something that the customer already has, i.e. the information on his/her ticket. Nothing need be added to the imaging system (e.g. identifier tags or cards) beyond the data inputted by the customer as to which seat is occupied by the customer, a novel concept not taught or suggested by Weston et al..

Claims 2-7 are dependent from claim 1 and are believed to be allowable over the cited reference for the same reasons as discussed above.

Accordingly, reconsideration and allowance of claims 1-7 is respectfully requested.

**Claims 8-16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,469,536 to Blank in view of U.S. Patent 6,532,345 to Gluck.**

Blank provides a comprehensive disclosure of a digital image composition and editing system which is adequately described by Examiner. As noted by Examiner, however, Blank does not disclose imaging services related to image capture of the customer at an entertainment event and relies for this purpose on Gluck which does disclose a type of imaging service related to capturing customer images at an entertainment event.

More specifically, Gluck discloses a customer imaging system adapted for use at a fixed seating entertainment event as does the present invention. However, unlike the present invention, Gluck utilizes a non-specific image capture system which captures images of the entire audience on a virtual sector by sector basis.

“... the ultimate goal is to define an area as a sector so that a single photograph may be taken of the sector which includes clear, in-focus views of substantially all spectators in that sector.” (Col. 4, lines 60-63)  
(Emphasis added)

A souvenir collage is then prepared at one or more assembly sites positioned around the entertainment venue which utilizes system-selected images of memorabilia such as a generic ticket images event ads, live action shots, etc. as well as a “spectator photo” of the entire sector. After the event is over, the customer is described as going to an assembly site where the collages are assembled and sold. The customer then searches for the souvenir with his/her sector photo included or, alternatively, provides a seat location to the operator

who can then utilize a seat/sector indexing system to find the appropriate souvenir collage with the desired sector photo. (Col. 7, lines 4-9)

It should be noted here that the seat location provided by the customer is not used to direct the image capture operation, as is the case with the present invention, but merely to electronically sort through a mass of souvenirs to find the one with the right sector photo.

In an alternative post event processing operation described at Col. 7, lines 19-27, an indexing system that maps seat locations to sector photos is employed to find and extract an individual customer image from an existing sector photo to create an inset cameo image. Here again, seat location is not used to direct the image capture of a customer during the entertainment event.

Independent claims 8, 10 and 12 have been amended more clearly to define the novel feature of the present invention in which image capture during the entertainment event is based on the seat location information provided as an input from the customer before or during the event, a feature which is not found in Blank or Gluck, taken singly or in combination.

More specifically, with regard to language of amended claims 8, 10 and 12, the cited references do not disclose or suggest the claimed feature of:

“a customer input section adapted to permit a customer to select, either prior to attendance at an entertainment event or while in attendance at the event, an imaging service from the menu of imaging services and enter seating information representative of a seating location of the customer at the entertainment event for use in directing an image capture device toward the seating location, ...”

Accordingly, independent claims 8, 10 and 12 are now believed to define patentably over the cited reference and allowance thereof is respectfully requested. Claims 9, 11 and 13-15 are dependent from claims 8, 10 and 12 respectively and are therefore considered to be allowable for the same reasons as given for the independent parent claims. Allowance thereof is respectfully requested.

Claim 16 is directed to the method of using “at the seat” interactive input devices that display images of participants at an entertainment event and images of the customer while viewing the event and that offer an interactive selection session during which the customer can select desired ones of the images.

In rejecting this claim, Examiner apparently relies on the location of the assembly sites in the venue where the souvenir image collages are offered for sale as being “in proximity” to the customer’s seating location. While such an overbroad interpretation of the phrase “in proximity” is believed to be

unwarranted, the claim has nonetheless been amended hereby to more clearly define the intended meaning as being, in effect, where the customer is seated, such that the image selections can be made without leaving the customer's seat, something that clearly not what is disclosed in Gluck's assembly sites located at various locations around the venue.

Specifically, claim 16 has been amended to recite the novel feature of the invention as:

“displaying images to a customer ... on an interactive display screen accessible at a seating location of the customer ... and

“offering an interactive selection session to permit the customer, while seated at the seating location, to select a desired image ...”

Since neither Blank nor Gluck disclose or suggest the claimed feature, claim 16 is believed to define patentably over the cited art and allowance of the claim is therefore respectfully requested.

In view of the foregoing comments, it is submitted that the inventions defined by each of claims 1-16 are patentable, and a favorable reconsideration of this application and allowance of the claims, as amended, is therefore requested.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.

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